

OLC 76-1138

19 APR 1976

MEMORANDUM FOR: Director of Central Intelligence
FROM: Legislative Counsel
SUBJECT: Two Deputies Legislation

1. In response to your desire for legislation creating two Deputy Directors, I am attaching a simple and direct legislative proposal which would necessitate a minimal change in existing law.

2. This proposal would amend the National Security Act of 1947 to create a Deputy Director for CIA and a Deputy Director for IC. It would give broad delegation powers to the DCI. It would remain silent on the order of succession and division of responsibilities in your absence. Executive Order 11905 would have to be changed to reflect these new statutory positions and appropriate delegations thereunder. Suggested language for both the statutory and Executive Order amendments is attached.

3. As you are aware, I do have some concern as to how such legislation will fare in Congress. However, I understand your desire to expedite this matter.

SIGNED

George L. Cary
Legislative Counsel

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 To amend the National Security Act of 1947, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 102(a) of the National Security Act of 1947 (50 U.S.C.A. 403(a)) is amended to read as follows:

"(a) There is established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence who shall be the head thereof. There shall be two Deputy Directors of Central Intelligence: a Deputy Director of Central Intelligence for the Central Intelligence Agency (Deputy Director, Agency) and a Deputy Director of Central Intelligence for the Intelligence Community (Deputy Director, Community). The Director may, to the extent he deems appropriate and without being relieved of his responsibility, delegate to each of the Deputy Directors any of those authorities vested in him by virtue of his position as Director of Central Intelligence and as head of the Central Intelligence Agency and may perform any of his functions or duties, or exercise any of his powers through, or with the aid of, such persons in, or organizations of, the Central Intelligence Agency as he may designate. The Director and the Deputy Directors shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals in civilian life or from among the commissioned officers of the armed services whether in active or retired status: Provided, however, that at no time shall more than one of the three positions of Director, Deputy Director, Agency, or Deputy Director, Community, be occupied simultaneously by a commissioned officer of the armed services, whether in an active or retired status."

SECTION 2. (a) Section 102(b)(3) of the National Security Act of 1947 (50 U.S.C.A. 403(b)(3)) is amended by striking the words "of Central Intelligence" wherever they appear in that subsection.

(b) Section 3(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C.A. 403c(b)) is amended to read as follows:

"(b) In the exercise of the authorities granted in subsection (a) of this section, the term "Agency head" shall mean the Director of Central Intelligence, or the Deputy Director of Central Intelligence for the Central Intelligence Agency."

(c) Section 5314(36) of title 5, United States Code, is amended by striking the word "Director" and inserting in lieu thereof the word "Directors."

AMENDMENT TO EXECUTIVE ORDER 11905

1. Section 3(d)(2) would be amended by changing the title "Deputy to the Director of Central Intelligence for the Intelligence Community" to "Deputy Director of Central Intelligence for the Intelligence Community."
2. Section 3(d)(3) would be amended by changing the title of "Deputy Director of Central Intelligence" to "Deputy Director of Central Intelligence for the Central Intelligence Agency."
3. Section 3(d) would be further amended by adding a subsection "(5)" which would provide:

"The Director of Central Intelligence shall, through internal directive, make provision for the exercise of his powers and responsibilities in his absence or disability."